



November 7, 2024

VIA ECF

Hon. Margaret M. Garnett
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
Courtroom 906
New York, New York 10007

Re: *Aamer, et al. v. Eden Gallery Group Ltd., et al.*, Case No. 1:24-cv-07678

Dear Judge Garnett:

We represent Defendants Eden Gallery Group Ltd. (“Eden Gallery Group”), Cathia Klimovsky, Guy Martinovsky, Gal Yosef, and Cetra Art Corporation (“Cetra”) in the above-captioned matter. I write pursuant to Section I.B.5 of the Court’s Individual Rules & Practices to request an extension of Defendants’ time to respond to the Complaint to January 6, 2025.

The reason for the proposed adjournment is that Defendants Eden Gallery Group, Klimovsky, Martinovsky, and Yosef dispute that they were properly served. Plaintiffs assert that those Defendants were properly served, as reflected in the certificates of service that Plaintiffs filed on November 5, 2024 setting the response date for those Defendants as November 7. Regardless, on November 6, 2024, counsel for Defendants conferred with counsel for Plaintiffs, and the Parties agreed that to avoid a dispute regarding whether or not service was proper, Defendants’ counsel will accept service of the Summonses and Complaint on behalf of all five Defendants (which includes both domestic and foreign Defendants) and Defendants will waive any defense related to insufficient service of process or insufficient process, in return for Plaintiffs’ consent to an extension of Defendants’ time to respond to the Complaint from November 7 (or November 14 for Cetra) to January 6, 2025 for all five Defendants. Plaintiffs’ counsel states that he consents to this request. Defendants’ counsel has also agreed to accept service of the Court’s Notice of Initial Pretrial Conference (ECF No. 13) and the Court’s Individual Rules and Practices. The Parties have agreed to a Stipulation and Proposed Order reflecting such agreement, attached hereto as **Exhibit A**.

This is the first request for an extension of Defendants’ time to respond to the Complaint. No scheduled dates will be affected by the extension, and as such there are no proposed alternative dates. The Court has scheduled an Initial Pretrial Conference for December 12, 2024 at 11:30 a.m. The parties are amenable to rescheduling that conference until a point after the service of the



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response to the Complaint, and can provide proposed dates to the Court for a rescheduled Initial Pretrial Conference if the Court so requests.

Finally, we recognize that we are making this request fewer than two business days prior to November 7. The reason we are making the request today is that the certificates of service were not filed until November 5, so Defendants did not realize until that day that Plaintiffs were taking the position that Defendants had been served. Once those certificates were filed, the undersigned counsel contacted counsel for Plaintiffs the next day, and the Parties were able to cooperate and come to this agreement expeditiously.

Thank you for your attention to this matter.

Respectfully,

/s/ Michael Mix

Michael Mix

CC: All Counsel of Record (via ECF)

GRANTED. Defendants' time to respond to the Complaint is hereby **EXTENDED** until **January 6, 2024**. The parties' stipulation attached to their joint letter as Exhibit A, *see* Dkt. No. 22-1, is approved and is hereby **SO ORDERED**. The Initial Pretrial Conference is hereby **ADJOURNED** until **January 23, 2025 at 9:30 a.m.** and will be held in person in Courtroom 906 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007. The corresponding deadline for the parties to submit their pre-conference materials is likewise **EXTENDED** until **January 16, 2025**.

SO ORDERED. Dated November 7, 2024.


HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE